REMARKS

Applicant has amended claims 1, 2, 18 and 19 to correct the Section 112 problems reported in the Office Action and to more clearly disclose the present invention.

Specifically with respect to the Section 112 issues, the Office Action notes that the expression "receiving product transaction information including ..." is unclear since it is unknown, from"where". In fact, the product transaction information is received from a purchaser tenninal that accesses the electronic shopping mall server. In this regards, Claims 1, 2, 18 and 19 are amended for clearer expression. The Office Action notes that the expression"... a mobile terminal transmitted in connection to WAF is ..." is unclear in Claims l(d) and 18(d); Applicant has amend the phrases in accordance with the helpful suggestions given by the Examiner. The Office Action notes that the expression". ... a mobile terminal transmitted in connection to WAP is..." is unclear in Claims 2(c) and 19(c); Applicant has amended the phrases in accordance with the Examiner's helpful suggestions. The Office Action notes that Claims 18 and 19 are system claims directed to an apparatus, but they are directed to method steps. Claims 18 and 19 have been amended into system claims.

The Office Action has rejected claims 1-19 under U.S.C. Section 101 ostensibly because the claimed invention is directed to non-statutory subject matter. The Office Action notes that Claims 1 and 2 are directed to purely mental steps. Applicant has amended the preamble of Claims 1 and 2 to more clearly state that the steps of Claims 1 and 2 are executed by a particular apparatus, that is "the payment approving server"; clearly these steps are done by a specific machine and are not therefore merely mental steps. It will be understood that disclosure for this is in the applications and therefore that no new matter has been added.

The Office Action further rejects the claims ostensibly because Claims 18 and 19 recite software, however, Applicant notes that the "product transaction information", "payment certification", "SMS including URL callback" and"payment" phrases particularly noted in the Office Action do not relate to software but instead to data, and

the systems defined in Claims 18 and 19 are directed to processing such data. Applicant would appreciate the withdrawal of this rejection.

The Office Action has rejected Claims 1-3 and 18-19 under 35 U.S.C. Section 102(e) as being anticipated by Gonzalez (U.S. Published Patent Application No. 2005/0075958, hereinafter "Gonzales"). Applicant disagrees and requests withdrawal of the rejection.

The present invention is directed to a user's mobile payment using a mobile terminal. Thus, the user (or, the purchaser) inputs a mobile terminal number and purchaser-identifying information in a shopping mall server using a purchaser terminal (e.g., desktop, notebook, PDA, mobile phone or other tenninals accessible to Internet shopping malls) to request payment. The payment request information of a user is transmitted to a payment approving server, and the payment approving server transmits the payment request information to a mobile communication service provider server to request payment certification. Then, the mobile communication service provider server certifies the user using the user prescription information. Also, the payment prιωof the user is added to a mobile communication charge bill, and the mobile communication service provider server charges the added amount to the user. The user then makes a payment for the communication charge including the payment price. Here, the process for transmitting the payment price to the shopping mall server is not explained since it is well known in the art.

At this time, there is a possibility that another person makes a mobile payment at a shopping mall server with the user's mobile terminal obtained illegally. Thus, once receiving the payment certification from the mobile communication service provider server, the payment approving server checks again whether the user has the corresponding mobile terminal in hand (certification for current possession of a mobile terminal). For this checking, in Claims 1 and 18, the payment approving server transmits callback URL SMS informing the payment to the purchaser mobile terminal such that the user is requested to access the payment approving server using URL callback by the mobile tenninal having the mobile phone number used for the paymentIf the user accesses the

payment approving server through URL callback and confirms the payment, the payment approving server recognizes the payment as right and then completes the payment certification. Also, in Claims 2 and 19, if a user requests a payment at a shopping mall, the payment request information is transmitted to the payment approving server, and then the payment approving server transmits callback URL to the purchaser mobile terminal such that the user directly input an authentication code using the callback URL. Also, the payment request information and the purchaser-identifying information are transmitted to the mobile communication service provider server to request authentication, and then, if the authentication is successful, the payment approval is transmitted to the shopping mall.

In sharp contrast, Gonzalez needs for a user to install a dedicated control program to his/her mobile terminal, which is not necessary in the present invention which has no need to install a control program (instead the present invention uses SMS function and WAP communication/connection technique included in mobile terminals as default setting). Also, Gonzalez uses an alias of an actual account since financial data may be exposed when a user makes a transaction of financial institution (e.g., bank) using a mobile terminal. However, the present invention is not directed to the technique for a user to deposit or transmit money to bank accounts via a financial institution using a mobile terminal. Thus, financial institution access, account management and alias techniques of Gonzalez have no common point with this invention, so there is no advantage to compare this invention with Gonzalez. As such a person having ordinary skill in the art could not use Gonzalez to derive or expect the present invention.

Further, the present invention is quite different from Gonzalez. For example, in Claims 1 and 18 of the present invention, in the step (a), the purchaser terminal (e.g. desktop, notebook, PDA, mobile phone or other terminals accessible toInternet shopping malls) is provided with a payment page while purchasing a product at a shopping mall. In this payment page, production transaction information including product information and price information are automatically displayed as default setting. In the payment page, the user inputs a mobile phone number and an authentication code and then presses a check button. Then, the payment approving server receives the production transaction

information, the mobile phone number and the authentication code. This feature of the present invention is never disclosed by Gonzalez and cannot be derived from Gonzalez.

In the step (b), the mobile phone number and the authentication code are transmitted tothe mobile communication service provider server who will receives a purchase price from the user, thereby requesting authentication. Then, the service provider server checks whether the mobile phone number is an effective number of the subscriber in service, and then confirms the authentication code that is used for identifying the subscriber himself/herself. Clearly, Claims 2 and 19 of the present invention are not taught, nor can the be derived or expected fromGonzalez for these same reason as above. In addition, Claim 3 is dependent on Claim 1 or 2, so Claim 3 is as a matter of course different from Gonzalez.

The Office Action has rejected Claims 4-10 and 11-17 under 35 U.S.C. Section 103(a) as being unpatentable over Gonzalez in view of Kim et al. (U.S. Patent Publication No. 2005/0086164). As noted above, Gonzalez does not teach the disclosure in the independent claims of the present invention and the teachings of Kim et al. as directed to dependent claims will not provide the missing teachings. Further, as Kim et al. is understood, Paragraph [24] of Kim, indicates a user should provide personal information via mobile phone payment service provider for member subscription. However, in the present invention, a mobile phone user uses a mobile communication service provider to which he/she is already subscribed, so that there is no need of separate member subscription process. As noted in Kim et al (see Abstract), a user accesses a payment transaction server and then transmits a buyer ID code, merchant ID code and bill thereto. In contrast, in the present invention, the access is call connect.

As indicated in Paragraph [22] the disclosure of Kim et al. is directed to ARS provision, DTMF generation/deletion and voice processing (for example, voice character extraction or voice pattern analysis) based on dialing & call connection, which has no relation with the present invention. In the present invention, as presently claims, the payment transaction server endows a balance to a subscriber (or, a buyer) based on the

credit rating, and a buyer pays a product purchase price within the limit of the remained balance.

More particularly, the present invention is different from Kim et al in the following important aspects. In Kim et al. a user provides personal information to at least one payment transaction server for member subscription to use the mobile payment service. Clearly, providing personal information is essential in Kim; this gives rise to the possibility of illegal use of the personal information in the payment transaction server. Also, the personal information of user includes a mobile phone number, so the user could then receive undesired advertisement calls or sales calls when the mobile phone number is exposed to third parties. Even worse, there is a possibility of illegal payment using the mobile phone number (as is possible in some present and expected uses of mobile telephone accounts). It is known to persons having ordinary skill in the art that with respect to ARS calls, a user should input dial buttons with great care, carefully listen to voice guidance, and memorize the guidance. The disadvantages of such ARS process are already mentioned in the Background section of the present invention (see Paragraphs [7] – [10] of the present application). In addition, if a user makes a mistake in button input or voice input after receiving the ARS, the charge for extended voice call is generated during the re-inputting process, and the user should bear the charge entirely.

In sharp contract, in the present invention, the payment approving server mediates a payment among a purchaser's terminal (accessing a shopping mall), a purchaser's mobile phone (receiving and accessing callback URL), a shopping mall server and a mobile communication service provider server, and personal information is not stored in the payment approving server. Also, the mobile communication service provider server provides mobile communication service to the user and is already in transaction with the user for mobile call charge, so the mobile communication service provider server is sufficiently reliable.

Regarding claims 4 and 11, 5 and 12 and 6 and 13, in Kim et al., a user accesses the payment transaction server and receives certification by means of dialing & call connection, and the payment transaction server makes a certification based on the

personal information of user, already stored therein. However, in the present invention, the payment approving server does not use dialing & call connection. In addition, the payment approving server does not store personal information of user, so the user is safe against exposure of personal information. The present invention is different from Kim et al. in that the payment approving server mediates a payment based on certification received from the mobile communication service provider server that already stores personal information. In particular, in the present invention, the mobile communication service provider server uses subscription information of user and makes a certification by checking status of mobile communication service (payment delayed, service suspended or service terminated) of a user, and such status data are generated only in the mobile communication service and corresponding to subordinate and inherent data only for this invention.

Regarding claims 7 and 14, in Kim et al., a user entrusts balance management information to the payment transaction server. In this process, the user should trust the payment transaction server newly, and the user should take charge of all risks. In contrast, in the present invention, a user just adds payment of a product price to the payment of communication charge of a mobile communication service provider server that the user is already associated trustfully, so this invention ensures safety.

Regarding claims 8 and 15, in Kim, a user makes a call and then directly inputs his/her personal information, seller information and bill infonnation. In contrast, in the present invention, the user purchases a product at a shopping mall server using an Internet accessible terminal, and then inputs his/her mobile pbone number and an authentication code [step (a) of Claim 1] or his/her mobile phone number [step (a) of Claim 2] as payment information. Then, the payment approving server mediates payment certification, and then, if certification is successful in the mobile communication service provider server, the payment approving server transmits callback URL to the user's mobile terminal. Then, the user accesses the payment approving server using the callback URL [step (d) of Claim 1 and Claim 18] or accesses the payment approving server using the callback URL and inputs an authentication code [step (c) of Claim 2 and Claim 19].

Kim et al. fails to teach the callback URL and WAP connection, essential to this invention, and such essential features of this invention are entirely different from "*89" dialing and call connection of Kim et al.

Regarding claims 9 and 16, in the present invention, if a user, accessing a shopping mall server, inputs mobile phone number and an authentication code [Claims 1 and 18] or a mobile phone number [Claims 2 and 19] in a payment page window where product description (or, product name) and product price are displayed as default section and then pushes a check button, the payment approving server automatically receives production transaction information and mobile phone number and authentication code [Claims 1 and 18] or automatically receives product transaction information + mobile phone number [Claims 2 and 19]. In contrast, in Kim et al., a user accesses a payment transaction server by means of dialing & call connection and then inputs data directly by pushing buttons, which is so inconvenient and causes time consuming and call charges.

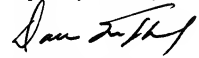
Claims 10 and 17 are dependent on Claims 1 and 2, respectively, but Claims are already entirely different from Gonzalez and Kim et al.

Applicant has made a great effort to place the claims in condition for allowance and respectfully requests continued examination and allowance of the application. The Examiner is respectfully invited to contact the undersigned attorney should any questions concerning this response arise.

Applicant believes that no fee is required in connection with the present amendment. However, should any fees be required the Commissioner is hereby authorized to charge any such fee to deposit account number 23-0920. It is also believed that no petition is required, however, should it be determined that a petition is needed the

Commissioner is respectfully asked to consider this paper to be any such petition and to charge the petition fee to the deposit account noted above.

Respectfully submitted,



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